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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7147/2024**
JATIN NARULA & ORS.Petitioners
Through: Mr. S. Islam, Mr. Lalik Valecha, Mr.
Sadaj Iliyas Khan, Ms. Taniya Bali
and Ms. Aakriti, Advs.

versus

STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Manoj Pant, APP for the State
with SI Yogesh Sharma DIU/NWD.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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10.09.2024

CRL.M.A. 27286/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7147/2024, CRL.M.A. 27287/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioners for quashing of FIR No. 490/2024 under Sections 420/406/120B IPC registered at P.S.: Mukherjee Nagar.
2. Learned APP for the State appears on advance notice.
3. In brief, as per the prosecution, FIR was registered on 01.07.2024 on complaint of Vijay Sachdeva who alleged that he had shifted to the premises at 2nd Floor, House No. 1208, Mukherjee Nagar, Delhi, in July 2021 and came in contact with one Himanshu Rasgotra who is son-in-law of Sangita Vaid and Madan Vaid residing on the third floor of the same premises. Sangita



Vaid and Madan Vaid alongwith family members showed extra concern and also introduced him with Himanhu Rasgotra, proprietor of M/s. Hridaa Infotech. After gaining confidence, complainant was asked to arrange for a loan of Rs. 1.5 crores for Himanshu Rasgotra for the purpose of business. Having persuaded by them, complainant applied for personal loans with Standard Chartered Bank, Kotak Mahindra Bank, Bajaj Finance, IDFC Bank, ICICI Bank and Yes Bank. The amount received in loan was transferred in the account of M/s. Hridaa Infotech on various dates. Some post dated cheques executed by Himanshu Rasgotra are stated to have been issued in the name of complainant for the purpose of return of loan amount. It was further assured that the amount would be paid to the complainant for the purpose of repayment of loan to the concerned banks in time.

It is further the case of complainant that instalments of loan amount for about 8-9 months were paid but later on, the same were refused by Himanshu Rasgotra. Allegations were also levelled Jatin Narula and Ved Prakash Narula being part of the conspiracy.

4. Learned counsel for petitioner submits that Ritika Vaid who is sister-in-law of Himanshu Rasgotra, as well as Jatin Narula and Ved Prakash Narula have no transactions with main complainant and have been falsely implicated. He further emphasises that the transactions between accused Himanshu Rasgotra and petitioners are independent without relevance to the disputes between the complainant and Himanshu Rasgotra. He further submits that interim protection has been granted by this Court to Sangita Vaid and Madan Vaid, mother-in-law and father-in-law of Himanshu Rasgotra, respectively vide order dated 30.07.2024 passed in CRL.M.C. 5809/2024.

5. On the other hand, learned APP for the State, on instructions of IO,



vehemently opposes the petition and submits that proceedings cannot be quashed as the case is at the initial stages of investigation. He further points out that specific allegations were made against petitioners and their role is under investigation. He further submits that details of AC No. 922020045574152 of M/s. Hridaa Infotech were obtained wherein it is clearly reflected that on 08.06.2023, Rs. 1,00,00,000/- was credited through RTGS in the above said account by complainant Vijay Sachdeva.

Further, an amount of Rs. 25 lakhs in the account of Sangita Vaid, and Rs. 20 lakhs in the account of Radhika Vaid (wife of Himanshu Rasgotra), were transferred.

It is pointed out that on 09.06.2023, an amount of Rs. 15,05,100/- was also transferred from the account of M/s. Hridaa Infotech to the account of Jatin Narula (petitioner no. 1) and a sum of Rs. 15,03,000/- was transferred in the name of Dinesh Chauhan.

He further points out that a sum of Rs. 27,00,000/- was also transferred in the name of Ritika Vaid (petitioner no. 3) and initial EMIs of the loan were transferred by Himanshu Rasgotra through the accounts of Jatin Narula (petitioner no. 1) and his Father Ved Prakash Narula (petitioner no. 2).

6. The investigation is at initial stage and the role of petitioners is being looked into. Further considering the allegations supported by transactions against the petitioners, it is preposterous at this stage to express any opinion on merits. In the facts and circumstances, no grounds are made out to interfere or quash the proceedings at this stage. The rights and contentions of the parties are left open to be considered in the light of final report.

Petition is accordingly dismissed. Pending applications, if any, also stand disposed of.



Nothing stated herein shall tantamount to expression of opinion on the merits of the case.

SEPTEMBER 10, 2024/p **ANOOP KUMAR MENDIRATTA, J.**